



Board Briefing Memo: April 19, 2012 BOARD MEETING AGENDA ITEM #12

TO: Chairman Richard and Board Members

FROM: Mark McLoughlin, Acting Deputy Director, Environmental Planning

DATE: April 19, 2012

RE: Presentation on the Merced to Fresno Final Environmental Impact Report/
Environmental Impact Statement

Background and Key Issues Raised in EIR/EIS Process

The Authority and the Federal Railroad Administration (FRA) issued a Merced to Fresno High-Speed Train Project Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for public review and comment between August 9, 2011 and October 13, 2011. After the close of the comment period and careful consideration of public and agency input, Authority staff recommended the Hybrid Alternative as the Preferred North-South Alignment between Merced and Fresno for inclusion in the Final EIR/EIS. The staff recommendation also included the Downtown Merced Station location and the Mariposa Alternative as the preferred station location for Downtown Fresno. On December 13, 2011, the Board concurred in the staff recommendation.

Staff has also been working with the US Environmental Protection Agency (USEPA) and US Army Corps of Engineers (USACE) regarding compliance with Clean Water Act section 404 requirements and in March 2012 received both agencies' concurrence on preliminary identification of the Hybrid Alternative as the Least Environmentally Damaging Practicable Alternative (LEDPA). This action was necessary for staff to complete the Final Environmental Impact Report/Final Environmental Impact Statement (Final EIR/EIS) for the Merced to Fresno High-Speed Train Project.

During the public comment period, the Authority and FRA received over 700 letters, email submissions, and web comments on the Draft EIR/EIS. These comments encompassed the full range of EIR/EIS issues. In evaluating these comments and preparing responses for the Final EIR/EIS, staff has identified several key issues. The Board will hear a staff presentation of these issues and how they are addressed in the Final EIR/EIS.

Details for the Release of the Final EIR/EIS

With USEPA and USACE issuance of the preliminary LEDPA determination, the Authority is now ready to release the Merced to Fresno Final EIR/EIS, which is scheduled to occur on Friday, April 20, 2012. Once released, the Final EIR/EIS will be:

- Posted on the Authority's and Federal Railroad Administration's (FRA) websites;
- Available to review at the Authority's office in hard copy and on compact disk (CD),
- Available, upon request, to the public in CD format;
- Available to review at public libraries, community centers, and churches in the Merced to Fresno area; and
- Mailed in a CD format (due to the volume of paper required to print a full hard copy) to elected officials, public agencies, and members of the public that requested a copy.

As with previous Authority practice, most of the copies distributed will be in CD format, since a limited number of paper copies will be printed.

The Merced to Fresno Final EIR/EIS reflects changes to the text based on refinements to the project description, clarification and amplification of the technical analysis, comments received on the Draft EIR/EIS and responses to those comments, and the Authority Board's identification of the Hybrid Alternative as the Preferred North-South Alignment.

While the Draft EIR/EIS presented the alignment, station, wye, and heavy maintenance facility (HMF) alternatives, the Final EIR/EIS will not include a preferred wye alternative or HMF location. Identification of a preferred wye alternative and an HMF location will occur as part of a future environmental process.

Public Notification

Similar to the process used for release of the Draft EIR/EIS, the Authority will notify individuals, property owners, community groups and public agencies through various methods:

- Publication in newspapers of general circulation in the Merced to Fresno project area;
- Posting in the offices of the county clerks in Merced, Madera and Fresno counties;
- Mailing/e-mailing to all organizations and individuals who have previously requested notice of the Draft EIR/EIS;
- Mailing to all property owners located within or contiguous to the project footprint or within 300 feet of the edge of the project footprint (alignments, stations, HMFs);
- Mailing to all individuals and organizations that submitted written or oral comments on the Draft EIR/EIS and/or have previously participated in Merced to Fresno meetings (and have provided contact information);
- News releases, website notices; email notifications and the posting of flyers within each community;
- Notification will also be provided to elected officials, local government staff, to Native American tribes and their representatives, businesses, and non-profit and community-based organizations.

EIR Certification and Project Approval

Following release of the Final EIR/EIS, the Authority Board will consider whether to certify the Merced to Fresno Final EIR/EIS for its compliance with the California Environmental Quality Act (CEQA) at a special two-day meeting scheduled for May 2 through May 3, 2012 in Fresno. The meeting on May 2 will include a presentation by staff, followed by public comment on the Final EIR/EIS. The meeting on May 3 will include a short staff presentation, followed by Board discussion and consideration of whether to certify the Final EIR/EIS, approve the project, and adopt related CEQA requirements (findings, mitigation program, and statement of overriding considerations). At the conclusion of this process, if the Authority chooses to proceed with the project, it would then file a Notice of Determination with the State Clearinghouse in the Governor's Office of Planning and Research.

With Authority Board certification of the Final EIR/EIS and approval of the project, the FRA will then consider issuing a Record of Decision. The FRA is the agency responsible for authorizing federal involvement for the project and is the lead agency under the National Environmental Policy Act (NEPA) for the Merced to Fresno Final EIS. The FRA will also consider all comments and responses in preparing the Merced to Fresno Final EIS and in issuing a NEPA Record of Decision.

Recommendations

This is an informational item only. No board decisions are required.

Attachments

- LEDPA Concurrence Letters from USEPA and USACE